

U.S. Patent Application Serial No. 10/614,730
Reply to Office Action dated July 27, 2005

Remarks:

Applicant has read and considered the Office Action dated July 27, 2005 and the references cited therein. Claim 1 has been amended and new claim 7 has been added. Claims 1-4 and 6-7 are currently pending.

Claim 1 was rejected as being indefinite. Claim 1 has been amended and provides proper antecedent basis. Applicant asserts that the rejection has been overcome.

Claims 1, 3 and 6 were rejected as being anticipated by HAYASHI et al. (U.S. patent no. 5,912,512). Claim 4 was rejected as being obvious in view of HAYASHI et al. Claim 2 was rejected as being obvious over the combination of HAYASHI et al. taken with DAVIDSON et al. (U.S. patent no. 6,265,788).

In order to understand the present invention in the proper context, the following information should be noted.

There are two types of remote car starters that are available on the market today. The first one is a remote car starter that is manufactured at the time the vehicle is manufactured and such a remote car starter is described in HAYASHI et al. This is clearly stated at column 11, lines 4 to 9 where it is stated:

"In the present embodiment, the remote engine starting device is connected to the mobilizer ECU via the harness. However, at the time of manufacturing of a vehicle, the remote engine starting device may be directly connected to the mobilizer ECU or to the amplifying circuit 24 side."

The other type of remote car starters is an after-market car starter. Such a remote car starter is purchased by users who wish to remote-start their vehicles where the vehicle itself does

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not have this capability installed at the manufacturing of the vehicle. It is this particular market that the present invention is directed to.

As stated in the Background of the present invention, on page 1:

"The by-pass kits are of two varieties. The first one is transponder-based. When a signal is received from the remote starter, the transponder sends a signal to the barrel of the ignition to start the engine. The second one is microprocessor-based, and upon receipt of a signal from the remote starter, the microprocessor sends a signal to the OEM security system to start the car. In fact, the signal that is send is essentially grounding one of the wires".

For the purpose of understanding the present invention and HAYASHI et al., the OEM security system is equivalent to ECU 12 of HAYASHI and not the ignition control device as stated by the Examiner. In fact, what is now positively claimed as an after-market by-pass kit and an after-market remote car starter device could be interpreted as the by-pass kit being the remote engine starting device 54 of HAYASHI and the after-market remote car starter device could be considered, for the purposes of argument, the remote transponder 72.

In HAYASHI, both of these units are integrated into a single unit 54.

The communication that is effected between 72 and 70 in HAYASHI before the signal is amplified and sent to the ECU 12, is precisely the type of communication that the present invention is attempting to resolve in after-market security systems.

As now clearly recited in claim 1, the after-market by-pass kit is distinct and separate from the after-market remote car starter device. The present invention seeks to protect communication between a remote car starter device and the by-pass kit by sending a data signal between the two.

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In a preferred embodiment of the invention, this communication is effective through a code hopping mechanism, through encryption or through a unique code matching the by-pass kit to the remote car starter.

The problem solved by the present invention is specifically one that is not raised in the invention of HAYASHI since the remote engine starting apparatus 54 is physically integrated into the vehicle at the time of manufacture. Moreover, DAVIDSON fails to remedy the shortcomings of HAYASHI.

For at least these reasons, Applicant asserts that claim 1 patentably distinguishes over HAYASHI et al., DAVIDSON et al., any other prior art or combination thereof. Applicant asserts that claim 7 also distinguishes over the prior art for similar reasons. Claims 2-4 and 6 depending on claim 1 are also believed to be patentable for the reasons discussed above as well as others. Applicant requests that the rejections over HAYASHI and DAVIDSON be withdrawn.

A speedy and favorable action on the merits is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: 1/26/06

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